

MAY 30 2007 13:25 FR THOMSON LICENSING 609 734 6888 TO 815712738300 P.01

Serial Number
09/110,615

BTSPH097095

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MAY 30 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Berthold Eiberger
Title: Infrared Scanning Of Sprocket Holes
Serial No.: 09/110,615
Filed: July 6, 1998
Art Unit: 2613
Examiner: A. Wong
Customer # 24498

PETITION TO THE DIRECTOR UNDER 37 C.F.R. 1.181 TO WITHDRAWABANDONMENT

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicant requests that the Office withdraw its finding of abandonment for this application for the following reasons:

1. On January 22, 2002, the United States Patent and Trademark Office mailed an Office Action for this Application.
2. On June 30, 2003, a Notice of Abandonment was mailed by the United States Patent and Trademark Office indicating that this application was abandoned.
3. On August 12, 2003, the Applicant mailed a response under 37 C.F.R. 1.111 and a Petition to Revive this case under 37 C.F.R. 1.137(b). This is listed as Exhibit A.
4. On August 29, 2003, the Office of Petitions mailed a decision reversing the abandonment of this application. This is listed as Exhibit B.

MAY 30 2007 13:26 FR THOMSON LICENSING 609 734 6888 TO 815712738300 P.02

Serial Number
09/110,615

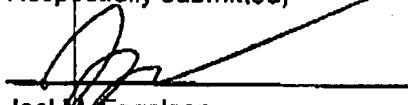
BTSPH097095

Apparently, this reversal was never entered into PAIR nor forwarded to the Examiner for consideration of the Office Action.

Applicant therefore submits that the application should not be abandoned and therefore should have the comments in the Office Action mailed on August 12, 2003 be considered.

It is believed that no fee is owed in connection with this petition, if however one is owed, please charge Deposit Account 07-0832.

Respectfully submitted,

By: 
Joel M. Fogelson
Reg. No. 43, 613
Phone (609) 734-6809

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
May 29, 2007

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-01)

Approved for use through 10/31/2002, OMB 0251-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1300)

Complete if Known

Application Number	09/110,815	RECEIVED
Filing Date	07/08/1998	CENTRAL FAX CENTER
First Named Inventor	Berthold Elsberger	
Examiner Name	A. Wong	MAY 30 2007
Group / Art Unit	2613	

Attorney Docket No. BTSPH087066

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

07-0832

Deposit Account Name

THOMSON multimedia Licensing Inc.

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)	(S)		
101	740	201	370	Utility filing fee
105	630	105	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Release filing fee
114	160	214	80	Provisional filing fee

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Total Claims	-20-	=	0	X	Fee from below	=	0	Fee Paid
Independent Claims	-3-	=	0	X		=	0	
				X		=	0	

SUBTOTAL (2) (\$ 0)

For number previously paid, if greater. For Refuses, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)	(S)		
105	130	205	55	SurchARGE - late filing fee or cash
127	50	227	55	SurchARGE - late provisional filing fee or cover sheet
139	180	138	130	Non-English specification
147	2,520	147	2,220	For filing a request for reexamination
112	920*	118	920*	Requesting publication of SIR prior to Examiner action
110	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	60	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	600	217	400	Extension for reply within third month
118	1,450	218	725	Extension for reply within fourth month
129	1,900	228	900	Extension for reply within fifth month
119	320	219	100	Notice of Appeal
120	520	220	100	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
128	1,610	130	1,610	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unpredictable
141	1,300	241	650	Petition to revive - unanticipated
142	1,260	242	640	Utility issue fee (or related)
143	400	243	200	Design issue fee
144	600	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Processing fee under 37 CFR 1.17 (g)
125	130	125	130	Submission of Information Disclosure Stmt
501	40	501	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	800	169	800	Request for expedited examination of a design application
Other fee (specify) _____				

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1300)

SUBMITTED BY

Name (Print/Type)	Frances A. Davenport	Registration No. Attorney/Agent	36,316	Telephone	609-734-6805
Signature	<i>Frances A. Davenport</i>		Date	August 12, 2009	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2020.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Exhibit A

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PTO/SB/64 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) BTSPPH097095
<p>First named inventor: Berthold Eiberger Application No. 09/110,615 Filed: July 6, 1998</p> <p>Title: Infrared Scanning Of Sprocket Holes</p> <p>Attention: Office of Petitions Commissioner for Patents, mail stop PETITIONS, PO Box 1450 Alexandria, Virginia 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$1300 (37 CFR 1.17(m)) Please charge deposit account 07-0892</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply): <input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> Is enclosed herewith.</p> <p>B. The issue fee of \$_____ <input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> Is enclosed herewith.</p>		

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

05/31/2007 CNGUYEN2 00000085 070832 09110615

01 FC:1453 1500.00 DA

Exhibit A

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MAY 30 2007 13:28 FR THOMSON LICENSING 609 734 6888 TO B15712738300

P.05

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0231
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D)).]

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August 12, 2003

Date

Telephone
Number: 609-734-8805

Francis A. Davenport

Signature

Francis A. Davenport, Reg. 36,316

Typed or printed name

2 Independence Way
Princeton NJ 08540

Address

Enclosures: X Fee Payment

X Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(A))

I hereby certify that this correspondence is being:

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signature

Francis A. Davenport

Date: August 12th 2003

transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

8/12/03

Date

Signature

Francis A. Davenport, Reg. 36,316

Typed or printed name of person signing certificate

[Page 2 of 2]

Exh. 310 A

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Serial No. 09/110,615

-1-

BTSPH097095

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER

Inventor(s) : Berthold Eiberger
Serial No. : 09/110,615
Filed : July 6, 1998
Title : Infrared Scanning Of Sprocket Holes
Examiner : A. Wong
Art Unit : 2613

MAY 30 2007

AMENDMENT AND RESPONSE UNDER 37 CFR 1.111

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated January 22, 2002, please amend the above-identified application and enter remarks as follows:

Listing and Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

.....
Certificate of Mailing under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, Virginia 22313-1450; on the date indicated below.

Signature: J. A. Javor, Jr.

Date: August 12, 2003

Serial No. 09/110,615

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BTSPH097095

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A film scanner comprising:

a first scanning device having a first light source for scanning frames of a cinematographic film by means of photoelectric transducers, and

a second scanning device having a second light source for scanning sprocket holes, wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges, and wherein the second scanning device is configured to detect both the beginning and the end of the sprocket holes.

2. (Currently amended) A film scanner as claimed in claim 1, further comprising wherein an optical filter precedes preceding at least one of the photoelectric transducers.

3. (Currently amended) A film scanner as claimed in claim 1, wherein said first and second lights sources comprise a common light source is provided for the first and second scanning device, while at least one of the light radiation paths leading to the scanning devices incorporates an optical filter for limiting the light spectrum.

4. (Currently amended) The film scanner as claimed in claim 1, wherein separate light sources are provided for the first and second scanning devices, while the light currents which can be generated by the light sources are chosen to be such that their spectra substantially do not overlap.

5. (Currently amended) The film scanner as claimed in claim 4, wherein the said second light source for the second scanning device generates light in the infrared range, and the photoelectric transducer of the second scanning device is sensitive in the infrared range.

6 - 9 (Canceled)

Serial No. 09/110,615

-3-

BTSPH097095

10. (Original) A film scanner comprising:

a first scanning device for scanning frames of a cinematographic film by means of photoelectric transducers, and

a second scanning device for scanning sprocket holes and areas around sprocket holes, wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges.

11. (Original) The film scanner of claim 10, wherein an optical filter precedes at least one of the photoelectric transducers.

12. (Original) The film scanner of claim 10, wherein a common light source is provided for the first and the second scanning device, while at least one of the light radiation paths leading to the scanning devices incorporates an optical filter for limiting the light spectrum.

13. (Original) The film scanner of claim 10, wherein separate light sources are provided for the first and second scanning devices, while the light currents which can be generated by the light sources are chosen to be such that their spectra substantially do not overlap each other.

14. (Original) The film scanner of claim 13, wherein the light source for the second scanning device generates light in the infrared range, and the photoelectric transducer of the second scanning device is sensitive in the infrared range.

15. (Original) The film scanner of claim 10, wherein the light source is an infrared light source.

16 - 18 (Canceled)

Exhibit A

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Serial No. 09/110,615

-4-

BTPH097095

19. (Original) A film scanner comprising:

a first scanning device for scanning frames of a cinematographic film by means of photoelectric transducers; and

a second scanning device for scanning sprocket holes and areas around sprocket holes, where the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges, and wherein the second scanning device is configured to detect a change in density of the cinematographic film surrounding the sprocket holes.

-20. (New) A film scanner comprising:

a first scanning device having a first light source for scanning frames of a cinematographic film by means of photoelectric transducers; and

a second scanning device having a second light source for scanning sprocket holes and areas around sprocket holes, where the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges, and wherein the second scanning device is configured to detect a change in density of the cinematographic film surrounding the sprocket holes.--

Serial No. 09/110,615

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BTSPH097095

REMARKS

The Office Action mailed January 22, 2002 has been reviewed and carefully considered. By this amendment, applicant has amended claims 1 -5, canceled claims 6-9 and 16-18, and added new claim 20. No new matter has been added.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Poetsch (U.S. Patent No. 4,875,102). Applicant respectfully quotes the Examiner's comments with respect to Poetsch for "disclosing a first scanning device (see fig. 5 and col. 5., lines 50-68; note scanning device 14 scans cinematographic film frames)...." and "a second scanning device (see fig 5 and col. 6, lines 1-3; note scanning device 8 scans sprocket holes)...." Applicant respectfully disagrees with the Examiner's citation of elements of Poetsch. Referring to Figure 5, a scanning device 14 detects feature unsteadiness, and can consist of a light source 15 on one side of the film and a light sensor on the other side of the film, opposite lights source 15. Applicant cannot find any reference in Poetsch that suggests the use of two separate light sources for two separate and distinct scanning devices. As a matter of fact, Poetsch teaches in Figures 6-13 the use of a single light source 50, 75, 80 or 90. As such, Poetsch clearly teaches away of applicant's claimed invention in which independent 1 claim includes a first and second scanning device having separate and distinct light sources. Furthermore, with respect to independent claim 10, Poetsch does not disclose or suggest the use of two separate and distinct scanning devices for scanning different parts of the film. Withdrawal of the rejection and early allowance on the merits is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Poetsch in view of Tanaka. As described above, Poetsch does not disclose or suggest the use of two separate and distinct scanning devices. As such, this claim is not obvious in view of Poetsch taken singly or in combination with any other reference. Withdrawal of the rejections is respectfully requested.

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Serial No. 09/110,615

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BTSPH097095

New independent claim 20 has been added to the application. New claim 20 recites, inter alia, a first and second scanning device. Early allowance on the merits is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832.

Respectfully submitted,
Sieghard Hasenzahl et al.

August 11, 2003

By:-

Francis C. Davenport

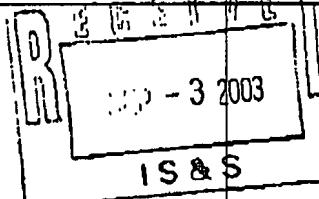
Francis A. Davenport
Reg. No. 36,316
Phone (609) 734-6805

Patent Operations
Thomson Licensing Inc. Suite 200
P.O. Box 5312
Princeton,
New Jersey 08543-5312



UNITED STATES PATENT AND TRADEMARK OFFICE

XAD



Joseph S Tripoli
 Patent Operations
 Thomson Multimedia Licensing Inc
 P O Box 5312
 Princeton NJ 08543-5312

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Paper No. 21

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OFFICE OF PETITIONS

In re Application of :
 Berthold Eiberger :
 Application No. 09/110,615 :
 Filed: July 6, 1998 :
 Attorney Docket No. :
 PHD97.095 :
 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed August 14, 2003, to revive the above-identified application.

This Petition is hereby granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 22, 2002. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 23, 2002. A Notice of Abandonment was mailed on June 30, 2003.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). An Amendment in response to the January 22, 2002 Office action is filed with the instant petition. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 2613 for processing of the Amendment and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
 Petitions Attorney
 Office of Petitions

Exhibit B

Event	PTIN (GRANTED)
Deadline	-
Entered	203/09/03

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